

## حقوق الإنسان عند المسلمين وغيرهم دراسة مقارنة

### Moslem Human Rights and Non Moslem: A Comparison Study

**Dr. Taysir Mahjoub Yasin Alfityani**

A Participating Professor in Sharia and Islamic studies division

Faculty of Arts

Applied Science Private University

#### Abstract

*The importance of the study of human rights of Moslem and Nonmoslem-a comparison study- due to the vast differences between the concept of Moslem and Nonmoslem Human Rights, and the deny of the West allegation of Human Rights being the outcome of their civilization during the European renaissance in the thirteenth century(AC), seven centuries after the rise of Islam. The searcher dealt with this study within two requirements: The First Requirement: the definition of rights and human being in language and convention using the accredited evidences from the holy Quran and the Prophet"s sayings and the saying of the good followers. In the second requirement the researcher focused on the core differences between Human Rights of Moslems and other Human Rights with some details, and reached that there are a big differences and vast gap, between the two parties and called Moslems to withhold their religion and to yield and run after the other party, because it is a human being creation, it is to satisfy his national citizen and other races and finally presented a conclusion for all those requirements. Finally the researcher concluded this issue with result outcome with a bunch of recommendations which he deems necessary to abide with as possible.*

**Key Words:** Definition of Rights in language and convention.  
Definition of Human Being in language and convention.

#### Preface

Thank God and prayer be on the Prophet.

The idea of Human Rights and the call for it is of essential matters in the modern societies the rise of human rise in the modern times, either in the societies tied to Islam or others in the West which became a reference for humanitarian rights, the West contributed in forming in the global level the Western theory in forming concepts of establishing the basic Human Rights, and worked in a variety of nations to impose his values and outlook of life, through colonial the teronic overwhelming in all life aspects.

In the Islamic Societies the Western Human Rights concepts are rooted due to the absence of the Islamic concepts of the legal rights of individuals and societies that resulted in an overview of Islamic Human Rights extracted from the Western experience to treat the present and the trial to promote the rights of individuals and groups.

So it is possible to say that this stole the Islamic civilization it's life reasons as a reality practiced in a multiple Islamic societies, and became disabled heritage to organize the reality(as a moral reference) with a limited influence in the modern legislation nature for Human Rights.(1)

Before these sayings, we see to simplify what we say in this regard, to see the reality of Human Rights, is it a mere western idea or they are ideas may find what compromise with it in our Islamic Sharia' or are Human Rights are original in our Islamic religion, and it's basic references.

#### The Reasons of Choosing This Subject

No doubt that Human Rights are the main concern of plenty of the nation educated people, individuals and groups alike. The truth that we should know that human rights in our Arabian society is very poor and fought not as an application but as a theory too.

For that we see a few who cares about its study and to know it a plenty fight it and fight whoever wants to know it or be close to it with a plenty of weak reasons.

For this reason the researcher sees to clear out the truth of Human Rights in the Islamic Sharia' and the Western Image for those rights so each individual will be aware of his belief, and defend Human Rights is in the Islamic Sharia original in complete in its broad lines and plenty of details, and it is which has the right to be generalized on Earth in order to be a mercy for the whole world instead of the Western Human Rights.

### **Research Questions**

1-What do we mean by Rights?

2-Who is proceeded in speaking about rights Moslems or others?

3-What is the definition of human being, and where from this noun was extracted?

4- Is the concept of human rights the same in all religions and races?

5- Where is shortage or mistakes when we talk about Moslem Human Rights? And who is responsible for that?

To make the research easier and to make it reach the understanding, the researchers sees to divide it into the following two requirements:

The first requirement: Concept and convention there are two issues:

The first Issue: Definition of rights in language and convention,

Second Issue: definition of Human being in language and convention.

The second requirement: holding a comparison between Moslem Human Rights and others (the West and Judism).

The first requirement: Concept and conventions, here are two issues:

First issue: definition of rights in language and convention.

Right in the language is contrary to illegal, it is due if is righteous and is right if proved and justice is called right and is justice, Islam, wealth and fixed ownership, and said God' right, if God created it and made it mandatory. (2)

Girgani defined it (3) as right that can't be denied, and right is one of names of the Mighty God (Allah).

But in convention it is defined by Abdulaziz Albukhari Albazdawi(4) the auther of (kashf Ala'srar), the existing in all aspects and there is no doubt about it's existance'.

Alsanhori defined it (5): as a financial issue protected by law.

But Sheikh Mustafa Alzarqa (6) Said: If I did not see right in it's general concept a true concept collective in all at sharia' Fukaha' (knowledgeable scoolers) in all it's types as a specialty Islamic law (Sharia') legislate it as an authority of entrust that the right of the governer to action for those under his sovrenit , It is an authority for a person on others.

What is meant by sovrity a relationship to include the right related to finance like a due debt for any reason which subject is practising a personal responsibility for a governer or the agent?

This sovrenity should be limited to a specified person or a group, there is no meaning to right unless a specialty granted to it' owner and forbidden from others, but if it is of the public allowances like hunting and wood gathering, it is not considered as a public right in the concept elaborated here, here there is no individual to pay the right to a person owner of the right.

And also this specialty is not taken into account unless considered by law, it is conditioned that law allow it, there is no right unless considered right by law.

What is meant by authority is the authority of a peron on another like the sovrenity on a person it is for the father on the underage. Authority on a specified thing as the right of property it is an authority on same.

What is meant by intrustment is to have others pay what is in their account for the owner, like the hired laborer should perform his work and the one in debt shoud pay his debt back. (7)

The second issue: The meaning of Human Being: human being (the Arabic Term) means the thing that can be seen, contrary to the Jinn that can't be seen. It is said I anastahu i.e I saw him. the jinn are given that name because they are not visible. That is what Al-azhari said.

This same meaning was mentioned in the holy Quran:

... until they reach the age of marriage; ( 8) and said:  
 ....he saw a fire in the direction of Tûr (Mount. (9)

And the eye bubu is what we look by it is the the black in the eye. Human being in Arabic means visible contrary to the Jinn.

They also mentioned another meaning for insan (Human being) as forgetting Ibn Manzur (10) said narrating from Ibn Abbas human being is given that name because he was entrusted and forgot As God Said:

And indeed We made a covenant with Adam before, but he forgot, and We found on his part no firm will-power. (11) This way the Kofis said it was extracted from forgetting.

So the meaning of human being the axle of our research refers in it's meaning to appearing and forgetting. And reaching this conclusion has an important role in limiting what human being should be, as far as appearance is the origin of it's meaning, it is supposed that appearing should be a main feature. He should realize this meaning in his syche, his way and life. He should be obvious principles, values, his morals and the religion he believes in, will not hide as the Jinn, what is previously said concerns male and female alike.

The second requirement: A comparison between Moslem and Nonmoslem Human Rights (The West and Judism).

First: The Concept of Human rights in the West and Moslems. It is believed that the concept of Human rights was not known in the West before about the seventeenth century, but the idea itself did not complete but in the thirteenth century, i.e seven centuries after the rise of Islam before, and perhaps USA knew human rights in the 18th century.

If we discuss human rights in the Western thinking, it was born from the natural right, i.e. the group of rights won by nature; it is taken from the old Greek Philosophers, which was determined instead of the church suppressing laws, where the natural right comes from the absolute sovrenity for the human being where no master is above. Human Rights are connected with the individual liberty concerning the Western Human being (The Western only) not rights for all peoples even if they alligate the contrary, rights and duties are taken from nature, there will dangers on all human beings, the evidence is obvious when capitalism used this theory they abolished total peoples for the aim to enable the Western peoples to enjoy their natural rights with the maximum war and killing as happened in Iraq, Afghnistan, and Somalia and others.

Moslem Human Rights are tied to the Islamic Belief it is a strong tie cannot be unfastened either practical or by theory. Mighty God Said: O mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honourable of you with Allâh is that (believer) who has At-Taqwâ [i.e. he is one of the Muttaqûn (the pious. See V.2:2)]. Verily, Allâh is All-Knowing, All-Aware. (12)

Moslem chooses with his free well everything good or evil, whoever chooses the God's way he is in good condition and his companion, and whoever abandon God's way and path, will be living mischevious, him and whoever go his way God said:

He (Allâh) said: "Get you down (from the Paradise to the earth), both of you, together, some of you are an enemy to some others. Then if there comes to you guidance from me, then whoever follows My Guidance he shall neither go astray, nor shall be distressed. ...20:123 "But whosoever turns away from My Reminder (i.e. neither believes in this Qur'ân nor acts on its teachings.) Verily, for him is a life of hardship, and we shall raise him up blind on the Day of Resurrection." (13).

In Islam Human Being is Respected by creation and shape and worship is only for the one God (Allah), and God made everything to serve him and take care of him. God said:

(And indeed we have honoured the Children of Adam, and we have carried them on land and sea, and have provided them with *At-Tayyibât* (lawful good things), and have preferred them above many of those whom We have created with a marked preferment. (14) Human Rights in The Islamic Sharia are a grant from the Mighty God for The Human Being, this makes Human Rights tied with the legal concept of Human Rights and is not subject for any interpretation except it's legal controls, they are comprehensive rights for all Mankind regardless of race or colour or the geographic location Mighty God Said:

(O mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honourable of you with Allâh is that (believer) who has At-Taqwâ [i.e. he is one of the Muttaqûn (the pious. See V.2:2)]. Verily, Allâh is All-Knowing, All-Aware. (15)

So it is the right of peoples to eliminate the political oppression, and to eliminate any human made law whatever it is called or decorated names, it is not right worship anything other than the Mighty God or submit for other sharia' except God's Sharia'. Any human being is to live a prosperous life, and sponsored by the Moslem House of Finance, so a human being lives with comfort according to his effort and work, so Human Rights are comprehensive for all Mankind whatever their race is or belief, whenever the Human being chooses his belief by himself, and practices his works according to that, He specify rights and duties for himself in his Moslem Society which he belongs to.

So we see that those legislations and laws allow for the individual to practice all what realizes his wishes and rights-according to his concept- without limits or conditions from a religion or straight conduct or right public creteria. So Sex relations were allowed, and blasphemy is allowed, regardless of the disastrous consequences for the society and individuals.

But the legal Sharia' Human Rights are clear in harmony with Human Nature, and are taken from the considered Sharia', where rights, duties, orders and the forbidden matters, also limited how to perform and the guarantees to emphasize those rights and made it obvious and cleared out the tool to perform it.

The Sharia' Human Rights came in a fantastic detail and extremely clear and simple to fit all individuals, groups and ages in regard of forbidding killing unless justified, forbid committing adultery, protect human dignity, women and personal liberty, forbidding interest, monopoly to guarantee the right of earning, and to stop the overwhelming of the strong on the weak, Islam also mandated the care of individual affairs in all their races, their religions, and living locations to stop oppression among them. Sharia' arranged for the violators who attack freedom, and other rights, preventing penalties in order not to lose those rights, and also a sultan who exposes obvious blasphemy is to declare his illegal power. So the Islamic Sharia' displayed the details of the human rights from the positive side in legislation to guarantee those rights, and in the negative side to prevent the illegal deeds.

### ***The Purpose of Human Rights***

The aim of the Western Human rights is to concentrate on values and capitalism with all the good features or shortcomings because those rights are not a product everlasting law principles to treat the human current situation, provided that it does not work to realize human aspiration in general but came for the west only. But the Sharia' Human Rights is in connection with the grand purpose of the Human Rights Target which is to realize the worship of the created to the creator The Mighty God (Allah) God Said:

(And I (Allâh) created not the jinn and mankind except that they should worship me (Alone). I seek not any provision from them (i.e. provision for themselves or for my creatures) nor do I ask that they should feed Me (i.e. feed themselves or My creatures). Verily, Allâh is the All-Provider, Owner of Power, and the Most Strong. (16)

Also the purpose of Sharia' Human Rights is to preserve Man existence which is cleared and specified by Origin Scoolers (17) which they called (THE ESSENTIALS) in the following details:

- 1- Preserve religion.
- 2- Preserve people.
- 3- Preserve mind.
- 4- Preserve Wealth.
- 5- Preserve Honor (i.e to keep men and women from committing adultery).

That is in addition to preserve belongings which include all the rules of HUMAN RELATIONS>

### ***Second: Human Rights in the Jewish Religion***

If we look at Judism in its first roots, Old Testament emphasized equity , but due to the changes to texts, the reference of the Jews to texts of changed Old Testament made the Jews to consider the Israelis the CHOSEN PEOPLE, in this the jews preferred themselves on all globe people, the texts of the old testament allowed the jews to kill other people and this emphasizes there that equity principle is not in their belief, this is considered enforcement of discrimination and preference among MANKIND and in fact it is an image of Human Rights violation.

## **The Conclusion**

1-It is clear from the fore mentioned the Human Rights of The Moslems and others, this gives a vast step forward i.e we are and we were the best nation God Created if we refer to our pure religion God said: You [true believers in Islâmic Monotheism, and real followers of Prophet Muhammad (صلى الله عليه وسلم) and his *Sunnah*] are the best of peoples ever raised up for mankind; you enjoin *Al-Ma'rûf* (i.e. Islâmic Monotheism and all that Islâm has ordained) and forbid *Al-Munkar* (polytheism, disbelief and all that Islâm has forbidden), and you believe in Allâh<sup>[107]</sup>. And had the people of the Scripture (Jews and Christians) believed, it would have been better for them; among them are some who have faith, but most of them are *Al-Fâsiqûn* (disobedient to Allâh - and rebellious against Allâh's Command). (18)

2-Extremism and terrorism and their consequence, killing and blood shed for innocent people in the Islamic Societies is a result of injustice resulting from not applying Islamic Sharia which the Mighty God wanted for us, and which the prophet informed us about it in his last haj speech:

I left for you if you hold it on you will not stray after me at all God's Book (Holy Qura'n) and my Sunna , right is the prophet moslems now cultivate the consequences of a banding God's Sharia' in the state affairs and of treatments and other affairs. After all my clarifications, we clearly see the greatness of this Sharia, it proves day after day and generation after generation the extent of it's greatness and it's ability to encounter our problems and to realize our wishes and recover our pains, if we could understand it and compared it and apply it on the nature grounds as dictated by the sharia and the forbidden orders.

The feature of rights in Islam is its comprehensive and global outlook, it contains, political, economical, thinking and social rights. It contains in its system a right that the human being set, it is the right of one individual has to have enough under the Islamic State, to have enough of life satisfaction in order to live a life with dignity without humiliation, there is no discrimination between a human being and another because of his tribal roots, or wealth, Islam is a religion that calls for cooperation in good deeds and solidarity between the society members without consideration for religion, race or color, and respects the right of Man in his belief and to forbid aggression on his wealth, blood and honor. If Human Rights in the West are Manmade to serve the Western Individual, Human Right in Islamic legislation is for human being service in all times and places to reach the dedication of worship God As a final target.

## **The End**

At the end of this humble research (Moslem and Nonmoslem Human Rights)-a comparison study God made us succeed in accomplishing it. The Human Being concept is the concern through which we dealt, Islamic Sharia depend on the concept of brotherhood mercy and solidarity in the society, the west built his rights upon competence and conflict and benefit he depends on Manmade law only, it is merely laws others are not combined to it, they may hurt others Mighty God Said:

But when Our *Ayât* (proofs, evidence, verses, lessons, signs, revelations, etc.) came to them, clear to see, they said: "This is a manifest magic." ...27:13 And they belied them (those *Ayât*) wrongfully and arrogantly, though their ownselves were convinced thereof [i.e. those (*Ayât*) are from Allâh, and Mûsâ (Moses) is the Messenger of Allâh in truth, but they disliked to obey Mûsâ (Moses), and hated to believe in his Message of Monotheism]. So see what was the end of the *Mufsidûn* (disbelievers, disobedient to Allâh, evil-doers and liars.).(19)

## **Recommendations**

1-The future of this religion is our responsibility of all moslems individuals and groups national communities, sharia scoolers, law and Human rights parties got the responsibility of caring about Islamic Sharia and legal human rights because there is the vrealizing of our happiness now and on the reconning days and in it there is our pride and dignity, to be again the best nation. We rise up justice and distribute good and mercy among Human Bengs. And gratitude is to the Mighty God (20)

2-The Continuity of religion dialoge between Moslems and other religions and the work to eliminate accuse to Islam which illegally and by liest given to Islam with intention or no intention, and clarify that the shortcoming is not in our religion but by cunning parties with dirty aims and purposes concerns them in the name of religion but religion is far away from them.

3-Not to be satisfied with blaming others, and say we are innocent and take what Imam Shafee who said: We blame our time but the shortcoming is in us.

We curse this time without being guilty, if time spoke, it would curse us.  
Wolf does not eat a wolf flesh, and we obviously eat each other's flesh.

### **List of Foot Notes**

- 1-Dr. Mohammad Ahmad Mufti and Dr. Sami Saleh Al-Wakeel (1992), Human Rights in the Western Political Thinking and Islamic Sharia'. First print-Dar Alnahda Alislamiya, Star times [www.startimes.com](http://www.startimes.com)
- 2-Al-Zamakhshari Abu Al-Qassim Mahmoud Bin Amr Asas Al-Balaghah P187, Majallat Al-Buhuth Al-Islamiyyah. AlMaktaba Al-Shamilah [www. IslamReligion.com](http://www.IslamReligion.com)
- 3-Al-Jirjani Ali Bin Mohammad Bin Ali Al-Shareef Al-Hussaini, Kitab Al-Taareefat Wikipedia, the free inciclupedia ar.wikipedia.org.
- 4-Abdulaziz Bin Ahmad Bin Mohammad Aladdin Al-Bukhari Al-Yazdawi (1997) Kashf Alasrar an Ossol Fakh Al-I print 1, Dar Al-Kutub Al-Elmiyyah – Beirut Al-Maktaba Al-Shamilah.
- 5-Al-Sanhori Abdulrazzaq Al-Wasset Fee Sharh Al-Qanoon Al-Madani- -Dar Ihyaa Al-Turath Al-Arabi, Beirut, Lebanon.
- 6-Al-Zarqa, Mustafa Ahmad, Majallat Al-Buhuth Al-Islamiyyah Alsaudiyyah Vol. 79 No. 260.
- 7-Majallat Al-Buhuth Al-Islamiyyah Vol 79 Section 79 p 260.
- 8- Surat Al-Nissaa. Verse no.6.
- 9-Surat Al-Qassas Verse No. 29.
- 10-Ibn Manthoor, AbuAlfadl Jamal Edden Abdullah Mohammad Bin Makram-Lisan Al-Arab Dar Sadir Beirut.
- 11-Surat Taha, Verse no. 115.
- 12-Surat Al-Hujurat, Verse no. 13.
- 13- Surat Taha, verses no. 123-124,
- 14- Surat Alisraa, Verse no. 70.
- 15- Surat Al-Hujurat Verse no. 13.
- 16-Surat Al-Thariyat, verses 56-57-58.
- 17-Al-Shatebi, Ibrahim Bin Musa Allakhami, (2004AC) Almuwafakat in the roots of Sharia'. Print 1, Dar Al-Kutub Alelmiyyah-Almaktaba Al-Waqfiyyah.
- 18-Surat Al Emran, Verse no. 110.
- 19-Surat Al-Namil, verses no. 13-14.
- 20-Dr. Musallam Mohammad Jawdat Al-Yousef: Human Rights comparison between Islamic Legislation and the Western Image: Sayd Alfawa'ed site.

### **References**

Holy Qura'n.

- Al-Bazdawi, Abdulaziz Bin Ahmad Bin Mohammad Aladdin Al-Bukhari, (1997), Kashf Alasrar an Ossol Fakh Al-Islam, print 1, Dar Al-Kutub Al-Elmiyyah – Beirut, Al-Maktaba Al-Shamilah.
- Al-Jirjani Ali Bin Mohammad Bin Ali Al-Shareef Al-Hussaini, Kitab Al-Taareefat Wikipedia, the free inciclupedia ar.wikipedia.org.
- Al-Sanhori Abdulrazzaq Al-Wasset Fee Sharh Al-Qanoon Al-Madani- -Dar Ihyaa Al-Turath Al-Arabi, Beirut, Lebanon.
- Al-Shatebi, Ibrahim Bin Musa Allakhami, (2004AC) Almuwafakat in the roots of Sharia'. Print 1, Dar Al-Kutub Alelmiyyah-Almaktaba Al-Waqfiyyah.
- Al-Wakeel, (1992), Human Rights in the Western Political Thinking and Islamic Sharia'. First print-Dar Alnahda Alislamiya, [www.startimes.com](http://www.startimes.com).
- Al-Yousef, Musallam Mohammad Jawdat: Human Rights comparison between Islamic Legislation and the Western Image. Sayd Alfawaed site.
- Al-Zarqa, Mustafa Ahmad, Majallat Al-Buhuth Al-Islamiyyah Alsaudiyyah Vol. 79 No. 260.
- Ibn Manthoor, AbuAlfadl Jamal Edden Abdullah Mohammad Bin Makram-Lisan Al-Arab Dar Sadir Beirut. Majallat Al-Buhuth Al-Islamiyyah Vol 79 Section 79 p 260.
- Mufti Mohammad Ahmad (1992), Human Rights in the Western Political Thinking and Islamic Sharia'. First print-Dar Alnahda Alislamiya, [www.startimes.com](http://www.startimes.com).